

AMENDED IN ASSEMBLY JUNE 10, 2004

AMENDED IN SENATE APRIL 29, 2004

**SENATE BILL**

**No. 1798**

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**Introduced by Senators Torlakson, Escutia, and Ortiz**  
(Coauthor: Assembly Member Jackson)

February 20, 2004

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An act to amend Sections 44277 and 51222 of, and to add Section 54760.2 to, the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1798, as amended, Torlakson. Physical education.

(1) Existing law requires a teacher to complete, every 5 years, an individual program of professional growth in order to maintain the validity of a teaching credential. Existing law requires a program of professional growth to consist of a minimum of 150 clock hours of participation in activities that are aligned with the California Standards for the Teaching Profession that contribute to competence, performance, or effectiveness in the profession of education and the teacher's classroom assignments. Existing law requires the holder of the credential to submit to the Commission on Teacher Credentialing verification by a school principal, a mentor teacher, or other district designee that the holder has satisfied the professional growth requirement. Under existing law, the arbitrary refusal of a school principal, a mentor teacher, or other district designee to verify completion of an individual program of professional growth meeting the requirements of this section and commission regulations is grounds for an appeal to the commission of that refusal.

This bill would require the holder of a single subject teaching credential that authorizes the holder to teach physical education to complete at least 50% of those hours in activities related to physical education curriculum development, instruction, and pupil assessment or to complete at least 25% of those hours in these activities if the holder also teaches one or more other subjects. By requiring school districts to verify compliance with this new requirement, the bill would impose a state-mandated local program.

*The bill would state the intent of the Legislature that all classroom teachers become familiar with the epidemics of obesity, diabetes, and related health consequences and that they utilize continuing education, professional training, and federal, state, and local resources to learn the benefits of physical education.*

(2) Existing law requires a pupil in grades 7 to 12, inclusive, to attend physical education courses for no less than 400 minutes each 10 schooldays, but permits a pupil in grade 10, 11, or 12 to be excused from a portion of that requirement in order to participate in automobile driver training.

This bill would delete the provision that permits a pupil to be excused from physical education courses in order to participate in automobile driver training.

(3) Existing law authorizes supplemental grant funds to be allocated to school districts that receive less than average funding from existing state programs. Existing law requires these grant funds to be expended only for the purpose of funding certain specified programs.

This bill would authorize a school district to use supplemental grant funds to purchase equipment and materials necessary to implement quality physical education and physical fitness programs that are part of the course of study during the regular schoolday.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) California is in the midst of an obesity epidemic that can be  
3 controlled and reversed through improved physical activity,  
4 nutrition, and health education.

5 (b) The cost of physical inactivity, obesity, related health  
6 effects, and chronic diseases for medical care, lost employee  
7 productivity, and workers compensation are estimated to be  
8 twenty-four billion six hundred million dollars (\$24,600,000,000)  
9 annually.

10 (c) Unfit children tend to become unfit adults who have  
11 significantly increased risk factors for diabetes, heart disease, and  
12 stroke.

13 (d) The Surgeon General of the United States has called for a  
14 “cultural transformation” to respond to the obesity epidemic and  
15 recommended in “Objectives for the Nation 2010” that physical  
16 education programs be expanded.

17 (e) Quality physical education instruction helps to improve the  
18 overall health of children and their mental awareness, self-esteem,  
19 and academic achievement.

20 (f) Current law requires physical education to be offered to all  
21 pupils.

22 (g) Four years of data shows that 75 percent of pupils are not  
23 fit based on the state adopted physical fitness test.

24 SEC. 2. Section 44277 of the Education Code is amended to  
25 read:

26 44277. The Legislature recognizes that effective professional  
27 growth must continue to occur throughout the careers of all  
28 teachers, in order that teachers remain informed of changes in  
29 pedagogy, subject matter, and pupil needs. In enacting this section,  
30 it is the intent of the Legislature to establish professional growth  
31 requirements that give individual teachers a wide range of options  
32 to pursue as well as significant roles in determining the course of  
33 their professional growth. *It is also the intent of the Legislature*  
34 *that all classroom teachers become familiar with the epidemics of*  
35 *obesity, diabetes, and related health consequences and that they*

1 *utilize continuing education, professional training, and federal,*  
2 *state, and local resources to learn the benefits of physical*  
3 *education, which include improved physical and mental health*  
4 *and wellness, increased overall pupil achievement, and skills in*  
5 *teamwork, goal setting, and self-improvement, consistent with the*  
6 *framework, standards, and curriculum for physical and health*  
7 *education.*

8 (a) The minimum requirements for maintaining the validity of  
9 the clear multiple or single subject teaching credential pursuant to  
10 Section 44251 shall be both of the following:

11 (1) Successful service as a classroom teacher or successful  
12 service authorized by a services credential. The minimum length  
13 of service shall be equivalent to one-half of a school year.

14 (2) Completion of an individual program of professional  
15 growth as prescribed in this section and by the commission.

16 (b) (1) An individual program of professional growth shall  
17 consist of a minimum of 150 clock hours of participation in  
18 activities that are aligned with the California Standards for the  
19 Teaching Profession that contribute to competence, performance,  
20 or effectiveness in the profession of education and the teacher's  
21 classroom assignments.

22 (2) Acceptable activities shall be defined by the commission to  
23 include, among other acceptable activities, the completion of  
24 courses offered by regionally accredited colleges and universities,  
25 including instructor-led interactive courses delivered through  
26 online technologies; participation in professional conferences,  
27 workshops, teacher center programs, staff development programs,  
28 or a California Reading Professional Development Program  
29 operated pursuant to Article 2 (commencing with Section 99220)  
30 of Chapter 5 of Part 65; service as a mentor teacher pursuant to  
31 Section 44496; participation in school curriculum development  
32 projects; participation in systematic programs of observation and  
33 analysis of teaching; service in a leadership role in a professional  
34 organization; and participation in educational research or  
35 innovation efforts.

36 (3) Commencing on January 1, 2008, at least 50 percent of the  
37 clock hours of professional growth activities completed by a  
38 holder of a single subject teaching credential with authorization to  
39 teach physical education for purposes of complying with this  
40 section shall be activities related to physical education curriculum

1 development, physical education instruction, or the assessment of  
2 pupil learning in physical education.

3 (4) Commencing January 1, 2008, if the holder of a single  
4 subject credential with authorization to teach physical education  
5 also teaches one or more other subjects, at least 25 percent of the  
6 clock hours of professional growth activities completed by the  
7 holder for purposes of complying with this section shall be  
8 activities related to physical education curriculum development,  
9 physical education instruction, or the assessment of pupil learning  
10 in physical education.

11 (5) Employing agencies and employees' bargaining agents  
12 may negotiate to agree on the terms of programs of professional  
13 growth within their jurisdictions, provided that the agreements  
14 shall be consistent with this section.

15 (c) An individual program of professional growth shall be  
16 developed and planned by the holder of a clear teaching credential.

17 (d) An individual program of professional growth may include  
18 a basic course in cardiopulmonary resuscitation, which includes  
19 training in the subdiaphragmatic abdominal thrust (also known as  
20 the "Heimlich maneuver") and meets or exceeds the standards  
21 established by the American Heart Association or the American  
22 Red Cross for courses in that subject or minimum standards for  
23 training programs established by the Emergency Medical Services  
24 Authority. Effective January 1, 2001, an individual program of  
25 professional growth may also include a course in first aid that  
26 meets or exceeds the standards established by the American Red  
27 Cross for courses in that subject or minimum standards for training  
28 programs established by the Emergency Medical Services  
29 Authority. A teacher's participation in these training options shall  
30 count towards the minimum 150 clock hours required to satisfy the  
31 professional growth requirements.

32 (e) Before a holder of a clear teaching credential commences  
33 or amends an individual program of professional growth, a school  
34 principal, a mentor teacher provided for in Section 44496, or other  
35 district designee shall certify to the credential holder that the  
36 planned program or amendment complies with this section and  
37 with regulations of the commission.

38 (f) A clear teaching credential shall be deemed to remain valid  
39 so long as the holder of the credential, at five-year intervals,  
40 submits to the commission verification by a school principal, a

1 mentor teacher, or other district designee that the holder has  
2 satisfied the minimum requirements specified in subdivision (a).  
3 In the absence of adequate verification, the commission shall  
4 invalidate the credential. Verification by a school principal, a  
5 mentor teacher, or other district designee shall be independent of  
6 any evaluation of the performance of the holder of the clear  
7 teaching credential that is conducted for the purpose of  
8 determining the credential holder's employment status. The  
9 arbitrary refusal of a school principal, a mentor teacher, or other  
10 district designee to verify completion of an individual program of  
11 professional growth meeting the requirements of this section and  
12 commission regulations shall constitute grounds for an appeal as  
13 prescribed in Section 44278.

14 SEC. 3. Section 51222 of the Education Code is amended to  
15 read:

16 51222. (a) A pupil, except one excused or exempted pursuant  
17 to Section 51241, is required to attend physical education courses  
18 for no less than 400 minutes each 10 schooldays.

19 (b) The governing board of each school district that maintains  
20 a high school and that elects to exempt a pupil from required  
21 attendance in physical education courses pursuant to subdivision  
22 (b) of Section 51241 shall offer that pupil a variety of elective  
23 physical education courses for no less than 400 minutes each 10  
24 schooldays.

25 SEC. 4. Section 54760.2 is added to the Education Code, to  
26 read:

27 54760.2. Notwithstanding any other provision of law, a  
28 school district may expend supplemental grant funds apportioned  
29 under this article to purchase equipment and materials necessary  
30 to implement quality physical education and physical fitness  
31 programs that are part of the course of study during the regular  
32 schoolday.

33 SEC. 5. Notwithstanding Section 17610 of the Government  
34 Code, if the Commission on State Mandates determines that this  
35 act contains costs mandated by the state, reimbursement to local  
36 agencies and school districts for those costs shall be made pursuant  
37 to Part 7 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the claim for  
39 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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